

LABOR SERVICES DIVISION[875]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 89.14, the Boiler and Pressure Vessel Board hereby gives Notice of Intended Action to amend Chapter 81, “Waivers or Variances from Administrative Rules by the Boiler and Pressure Vessel Board,” Chapter 82, “Boiler and Pressure Vessel Board Petitions for Rule Making,” Chapter 83, “Declaratory Orders by the Boiler and Pressure Vessel Board,” Chapter 84, “Contested Cases Before the Boiler and Pressure Vessel Board,” Chapter 85, “Public Records and Fair Information Practices of the Boiler and Pressure Vessel Board,” Chapter 90, “Administration of the Boiler and Pressure Vessel Program,” Chapter 91, “General Requirements for All Objects,” and Chapter 93, “Miniature Power Boilers Installed Prior to September 20, 2006,” Iowa Administrative Code.

Pursuant to Iowa Code subsection 89.14(7), the Boiler and Pressure Vessel Board is required to review all administrative rules adopted by the Board every three years. The proposed amendments in this Notice of Intended Action are a result of that review. Several of the amendments update contact information. The amendment in Item 9 more clearly sets forth the applicable code for miniature power boilers installed prior to September 20, 2006.

The purposes of these amendments are to update obsolete provisions, make the rules more clear, protect the safety of the public, and implement legislative intent.

If requested in accordance with Iowa Code section 17A.4(1)“b” by the close of business on January 9, 2018, a public hearing will be held on January 10, 2018, at 10:30 a.m. at 150 Des Moines Street, Des Moines, Iowa. Interested persons will be given the opportunity to make oral statements and file documents concerning the proposed amendments. The facility for the oral presentations is accessible to and functional for persons with physical disabilities. Persons who have special requirements should call (515)725-5615 in advance to arrange access or other needed services.

Written data, views, or arguments to be considered in adoption shall be submitted by interested persons no later than January 10, 2018, to the Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209. Comments may be sent electronically to kathleen.uehling@iwd.iowa.gov.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 89.

The following amendments are proposed.

ITEM 1. Amend rule 875—81.5(17A,89), introductory paragraph, as follows:

875—81.5(17A,89) Content of petition. The required form for a petition for waiver or variance is available on the board’s ~~Web site~~ website at <http://www.iowaworkforce.org/labor/boilerboard.htm> [iowaboilers.gov](http://www.iowaboilers.gov). A petition for waiver shall include the following information where applicable and known to the petitioner:

ITEM 2. Amend rule 875—82.1(17A,89), introductory paragraph, as follows:

875—82.1(17A,89) Petitions for rule making. Any person or agency may file a petition for rule making with the board requesting the adoption, amendment or repeal of a rule. The required form for a petition for rule making is available on the board’s ~~Web site~~ website at <http://www.iowaworkforce.org/labor/boilerboard.htm> [iowaboilers.gov](http://www.iowaboilers.gov). The petition shall be filed at the location specified in rule 875—80.5(89). A petition is deemed filed when it is received by the board office. The board office shall provide the petitioner with a file-stamped copy of the petition if

the petitioner provides the board an extra copy for this purpose. The petition must be in writing and provide the following information where applicable and known to the petitioner:

ITEM 3. Amend subrule 83.1(1), introductory paragraph, as follows:

83.1(1) The required form for a petition for declaratory order is available on the board's ~~Web site~~ website at ~~<http://www.iowaworkforce.org/labor/boilerboard.htm>~~ [iowaboilers.gov](http://www.iowaboilers.gov). The petition must be in writing and provide the following information where applicable and known to the petitioner:

ITEM 4. Amend subrule 84.1(1), introductory paragraph, as follows:

84.1(1) A petition for reconsideration shall be in writing and must be signed by the requesting party or a representative of that party. The required form for a petition for reconsideration is available on the board's ~~Web site~~ website at ~~<http://www.iowaworkforce.org/labor/boilerboard.htm>~~ [iowaboilers.gov](http://www.iowaboilers.gov). A petition for reconsideration shall specify:

ITEM 5. Amend subrule 85.3(1) as follows:

85.3(1) ~~*Location of record Address.*~~ ~~A request for access to a record should be directed to the board at the~~ The board's mailing address is Boiler and Pressure Vessel Board, Department of Workforce Development, Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319. ~~The board's staff is located at 150 Des Moines Street, Des Moines, Iowa.~~

ITEM 6. Amend paragraph **90.15(1)**"a," introductory paragraph, as follows:

a. The owner shall provide to the labor commissioner written notice of intent to convert a power boiler to a low-pressure boiler prior to conversion. The required form for a notice of conversion is available at ~~<http://www.iowaworkforce.org/labor/boiler-inspection.htm>~~ [iowaboilers.gov](http://www.iowaboilers.gov). At a minimum the notice shall contain the following:

ITEM 7. Rescind and reserve subrule **91.1(2)**.

ITEM 8. Amend paragraph **91.13(3)**"b" as follows:

b. *Existing objects.* An adequate supply of combustion air shall be maintained for all objects while in operation. Compliance with the current edition of NFPA 31, NFPA 54, NFPA 58, NFPA 85, or IMC as adopted at rule 875—91.1(89) or with subrule 91.13(4) constitutes compliance with this rule. Compliance with an earlier edition of NFPA 31, NFPA 54, NFPA 58, NFPA 85, or IMC constitutes compliance with this rule. However, compliance with one of the listed NFPA codes constitutes compliance with this rule only if the object burns the fuel covered by the NFPA. Compliance with an earlier version of Iowa's combustion air rule constitutes compliance with this rule. Earlier versions of Iowa's combustion air rule are available ~~for reference at~~ ~~<http://www.iowaworkforce.org/labor/boiler-inspection.htm>~~ from the board's staff upon request.

ITEM 9. Amend rule 875—93.2(89) as follows:

875—93.2(89) Codes ~~**Code**~~ **adopted by reference.** ~~The codes listed in 875—Chapter 91~~ current edition of the National Board Inspection Code adopted by reference in rule 875—91.1(89) shall apply to objects covered by this chapter.